

INDIANA VOTER'S Bill of Rights

General Election: November 2, 2004

Polls are open 6:00 am until 6:00 pm, local time

Who Can Vote?

You have the right to vote in an Indiana election if

- You are a U.S. Citizen;
- You are a resident of Indiana;
- You will be at least 18 years of age at the next general election;
- You have lived in the precinct where you vote for at least 30 days before the election;
- You are not currently in prison after being convicted of a crime; *and*
- You are registered to vote.

If you knowingly vote at an election when you are not authorized to vote, you are committing a felony, and can be fined up to \$10,000, jailed for up to three years, or both.

How To Vote

How to cast a Paper Ballot

If you are using a paper ballot for an election or using a paper ballot during an emergency repair of the voting system, the following apply:

1. Check your ballot to ensure that it has the initials of both poll clerks on the back and is not marked or torn.
2. Check to be sure your voting booth has a pencil or pen provided, has adequate lighting and privacy and does not contain any unauthorized materials.
3. Make a voting mark (an X or check) in the circle or squares to indicate the candidates or political party ticket for whom you wish to vote. If you cast a vote for a write-in candidate, clearly print or write the name of the candidate on the appropriate location on the ballot. If you make a mistake, request a replacement paper ballot from the clerks.
4. Fold the ballot so that your choices are secret and so that the initials of the poll clerks are visible.
5. Take the paper ballot to the ballot box, and deposit the ballot into the box.

How to vote on a Lever Voting Machine

1. Check to be sure your voting booth has adequate lighting and privacy and does not contain any unauthorized materials.
2. Pull the individual levers to indicate the candidates or political party ticket for whom you wish to vote.
3. Pull the large lever to cast your votes and to open the curtains to the booth.

How to cast a Punch Card Ballot

1. Check your ballot to ensure that it has the initials of both poll clerks on the back and is not marked damaged.
2. Check to be sure your voting booth has a marking device provided for the ballot, has adequate lighting and privacy and does not contain any unauthorized materials.
3. Insert the punch card ballot into the holder provided for that purpose. Use the marking device to punch holes in the ballot to indicate the candidates or political party ticket for whom you wish to vote. If you cast a vote for a write-in candidate, clearly print or write the name of the candidate and the office sought on the appropriate place on the outside of the ballot envelope. If you make a mistake, request a replacement punch card from the clerks.
4. Check your ballot to ensure that you have punched the appropriate chads entirely out of the card.
5. Place your ballot inside the envelope provided so that your votes are secret.
6. Take your ballot to the poll judges, who will remove any stubs that are included on the ballot.
7. Deposit your ballot in the ballot box, or direct the judge to deposit your ballot for you.

How to cast an Optical Scan Ballot

1. Check your ballot to ensure that it has the initials of both poll clerks on the back and is not marked damaged.
2. Check to be sure your voting booth has a pen or pencil provided for the ballot, has adequate lighting and privacy and does not contain any unauthorized materials.
3. Use the pen or pencil to shade in the oval, square, or circle (or connect the arrows) on the ballot to indicate the candidates or political party ticket for whom you wish to vote. If you vote for a write-in candidate, clearly print or write the name of the candidate on the appropriate location on the ballot. If you make a mistake, request a replacement ballot from the clerks.
4. Check your ballot to ensure that you have completely shaded in the symbols or connected the arrows.
5. Place your ballot inside the envelope provided so that your votes are secret.
6. Deposit your ballot in the ballot box, or direct the judge to deposit your ballot for you.

How to Vote on a Touch Sensitive Computerized Voting System

1. Check to be sure your voting booth has adequate lighting and privacy and does not contain any unauthorized materials.
2. Touch the button or indicated location on the screen to vote for the candidates or political party ticket for whom you wish to vote. If you vote for a write-in candidate, clearly print or write the name of the candidate on the appropriate voting system screen (or on the paper roll beneath the appropriate window).
3. Check to make certain that you have reviewed all the races on the voting system screens and voted in each of the races for which you wish to do so.
4. Touch the large button or indicated location on the screen to cast your ballot.

Fail-safe Procedures

(when your name is not on the poll list)

If you are registered to vote but your name does not appear on the poll list, you are still allowed to vote if one of the following fail-safe procedures applies to you:

1. **Certificate of Error** – If your name does not appear on the poll list because of an error by the county, the county must issue a Certificate of Error before you are allowed to vote.
2. **Written Affirmation** – If you were at one time registered in this precinct, but your name does not appear on the poll list now, and you are willing to sign a written statement (or make an oral affirmation in the presence of the inspector or one of the judges) that you still live at the address in the precinct that county voter registration records show as your former address, then you may vote after making the statement or affirmation.
3. **Receipt from Voter Registration** – If your name does not appear on the poll list, but you have a receipt from a voter registration application form indicating that you applied to register at a voter registration agency while the registration period was still open (before the last 29 days before the election), and the county voter registration office does not have any record of receiving the voter registration application, then you may vote after the information on your receipt is recorded on the poll list.

Fail-safe Procedures

(when your name or address does not match what is on the poll list)

If your name is on the poll list but the name or address on the poll list does not match your current name or address, you may still qualify to vote if one of the following fail-safe procedures applies to you:

1. **Moved within the precinct or name changed** - If your name is on the poll list but you have moved within the same precinct or your name has changed, you may vote if you sign the poll book with the new address or new name (example: married name, change of name due to divorce or adoption).
2. **Moved more than 30 days before the election, but still live in the same county and congressional district** – If you moved more than 30 days before the election outside of the precinct to another precinct that is still in the same county and congressional district, you may vote at your old precinct one last time by signing an affidavit provided by local election officials or by making an oral affirmation of these facts in the presence of the precinct election board and then proceeding to vote.
3. **Moved within the State of Indiana in the last 30 days before the election** - If you moved outside of the precinct to any other precinct in Indiana within the final 30 days before the election, you may vote at your old precinct one last time by signing an affidavit provided by local election officials.
4. **Moved outside the State of Indiana in the last 30 days before a presidential election** – If you moved from an Indiana precinct to a new residence outside of Indiana and moved within the final 30 days before Election Day, you may vote at your old precinct one last time by signing an affidavit provided by local election officials. However, you may only be given a ballot to vote for president and vice president.

Unless you qualify to use one of these fail-safe procedures, you are committing a felony if you vote at a polling place that you know is not your legal polling place.

How To Cast A Provisional Ballot

What is a provisional ballot?

A provisional ballot allows you to cast a vote if you believe you are registered to vote in a precinct but your name does not appear on the precinct's poll list (or if you have been challenged as not qualified to vote in your precinct). Your provisional ballot will be kept separate from the other ballots cast in that precinct. After the polls close, the county election board will decide whether you were qualified to vote in that precinct and whether your ballot should be counted. You will be able to contact your county election board after Election Day to find out whether your ballot was counted, and if it was not counted, why not.

There are several situations in which you may use a provisional ballot as a voter:

- (A) Your name does not appear on the poll list AND you do not qualify to vote by using one of the "Fail Safe" provisions highlighted separately on this form.
- (B) Your name appears on the poll list AND you do not qualify to vote by using one of the "Fail-Safe" procedures highlighted separately on this form.
- (C) Your name appears on the poll list, but you have been challenged as not eligible to vote at the precinct for some reason.
- (D) Your name appears on the poll list, you are identified as being required to present additional documentation to the county voter registration office, but you are not able to present this documentation to the poll workers.
- (E) An order has been issued by a court extending the hours that the polls must remain open.

How do you cast a provisional ballot?

Generally, the same rules and procedures that apply to casting a traditional paper ballot apply to casting a provisional ballot, but there are some special procedures that are similar to casting an absentee ballot:

- (A) You must mark the provisional ballot privately, unless you are entitled to assistance and request it.
- (B) You enclose the provisional ballot inside a provisional ballot secrecy envelope provided for this purpose (Form PRO-2) and seal the envelope.
- (C) You return the sealed envelope, with the ballot inside, to the inspector.

Please note: If you have a spoiled provisional ballot, the spoiled ballot must also be returned to the inspector before you can receive a replacement provisional ballot.

Other Voter Protections

Voters Needing Assistance – If you need assistance at the polls because you are disabled or cannot read or write English, you have the right to receive assistance to cast a vote in every election. The person assisting can be a poll worker or someone you choose. However, your employer or union representative cannot assist you. The person you choose must fill out an affidavit before assisting you to vote.

Accessible Polls – You have the right to a polling place that is accessible to a person with disabilities.

Traveling Voting Boards – If you are confined due to illness or disability, you have the right to vote absentee at your place of confinement before a traveling absentee voting board.

Spoiled Ballots – Your ballot is "spoiled" if you vote for too many candidates running for the same office or if you vote by mistake for a candidate for whom you did not intend to vote. If you spoil your ballot, you may return the spoiled ballot to a poll worker and receive another ballot in order to cast a vote in that election.

Waiting at the Polls at Closing – If you have begun the process of voting, or are waiting in the chute to begin the process of voting, before the closing of the polls at 6:00 p.m., you have the right to cast a vote in that election.

Challenged At The Polls

If you are challenged at the polls, you have the right to sign an affidavit affirming that you meet all of the voting qualifications and the right to then vote.

You may be challenged at the polls by another voter who believes that you do not meet all of the requirements to vote. If you are willing to sign an affidavit affirming that you do meet all the requirements, you can vote.

If you knowingly vote at an election when you are not authorized to vote, you are committing a felony and can be fined up to \$10,000, jailed for up to three years, or both.

Instructions For Mail-in Registrants And First Time Voters

If after January 1, 2003 you submitted an application to register to vote by mail and have not previously voted in a general election (or a special election for federal office) in the county, you must provide additional documentation to the county voter registration office prior to voting. The identification documentation required may be either (1) a current and valid photo identification or (2) a current utility bill, bank statement, government check, paycheck, or government document that shows your name and address (at the address shown on the your registration). Identification documents may be submitted in the mail with the registration application or by mail or in person at the county voter registration office at a later date prior to the closing of the polls at 6 pm on election day. The documentation requirement does not apply to an absent uniformed services voter or overseas voter or to an individual entitled to vote an absentee ballot under federal law due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for that individual or for any other reason under federal law.

Voter Fraud

If you knowingly vote at an election when you are not authorized to vote, you are committing a felony and can be fined up to \$10,000, jailed for up to three years, or both.

Both federal and state law have criminal penalties for vote fraud or for interfering with free and equal elections.

Please be aware of the following prohibited acts of fraud and misrepresentation:

- You may not make any false statement of claim that you are a citizen of the United States in order to register or vote in any federal, state, or local election.
- You must not vote more than once in any election that includes a federal candidate (please note that this does not include voting a replacement ballot after a spoiled ballot was invalidated).
- You must not procure or submit materially false, fraudulent or fictitious voter registration applications in any election that includes a federal candidate.
- You must not submit false information as to name, address, or period of residence in a voting district for the purpose of establishing eligibility to register or vote in any election that includes a federal candidate.
- You must not procure, cast or tabulate materially false, fraudulent or fictitious ballots in any election that includes a federal candidate.
- You must not pay, offer to pay or accept payment for voting, registering to vote, withholding a vote, or voting for or against any candidate in any election that includes a federal candidate.

Who To Contact If Your Rights Have Been Violated

If you feel your rights have been violated or if you have been witness to any form of voter fraud, please contact any of the following local, state, or federal offices:

**Indiana Secretary of State
Indiana Election Division**
Direct (317) 232-3939
Toll Free (800) 622-4941

Indiana State Police
Criminal Investigation Division (317) 232-4338

Federal Department of Justice
Civil Rights Division (202) 307-2767 or (800) 253-3931
Public Integrity Section, Election Crimes Branch (202) 514-1421

County Election Board
_____ (to be filled in by the county)

County Prosecuting Attorney's Office
_____ (to be filled in by the county)

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